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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,832	12/28/2001	Leigh M. Rothschild	1.083.01	9615
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CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			EXAMINER NGUYEN BA, HOANG VU A	
			ART UNIT 2623	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/034,832

**Applicant(s)**

ROTHSCHILD, LEIGH M.

**Examiner**

Hoang-Vu A. Nguyen-Ba

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 and 29-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 29-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the request of reconsideration filed April 18, 2008.
2. Claims 1-26 and 29-42 remain pending (Claims 27-28 have been previously canceled). Claims 1 and 13 are independent.

### ***Response to Arguments***

3. Applicant's arguments in the Remarks pp. 9-16 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-26 and 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0078456 by Hudson et al. ("Hudson") in view of U.S. Patent No. 6,438,751 to Voyticky et al. ("Voyticky").

### **Claim 1**

Hudson discloses at least:

*generating and storing an enhancement registry for a media selection from said media content, said enhancement registry including at least one time data associated with said media selection and at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different time data associated with said media*

*selection* (see at least FIG. 4, step 402; it is noted that the claimed *additional materials* is equated with Hudson's ancillary content throughout the Office action);

*associating a media storage medium containing said media selection with a corresponding media player* (see at least [0002]);

*associating said media selection with time markers related to the stages of said media selection and to at least one of said time data* (see at least FIG. 4, step 400);

*playing the media selection on said corresponding media player for delivery to a user* (see at least FIG. 4, step 402).

Hudson does not specifically disclose:

*receiving a user input and identifying the time of receipt;*

*identifying the time marker of said media selection that corresponds to the time receipt of said user input;*

*correlating said identified time marker with at least one of said time data of said enhancement registry to determine a communicative link associated with the at least one of said time data; and*

*activating said determined communicative link associated with the at least one of said time data in response thereto, to deliver additional material related to a stage of said media selection to a user in accordance with the receipt of a user input.*

However, in an analogous art, Voyticky teaches a method of marking an event (see at least 3:5562), which can be a press of a button on a remote controller by a user who indicates interest in things that are being displayed on the television (see at least 2:56-60). The method stores the event information that includes the time that the event button was pressed, as well as the signal source and channel being watched at that time (see at least 5:27-33). The information is sent to a server which determines an assortment of products that were displayed in the user's television when the user pressed the event button (see at least 6:9-37). The claimed step of *correlation of the identified time marker with the time data to determine a communicative link associated with the time data ...* and

that of activating said determined communicative link ... to deliver additional material related to a stage of said media selection ... are met by Voyticky's process of mapping described in 12:19-63).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Voyticky in Hudson because this would improve the interactive experience of a television viewer.

#### **Claim 2**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *generating and storing said enhancement registry including a plurality of said communicative links, each such link being associated with a different stage of said media selection and referenced to said different stage by said associated time data, and correlating said time data with said time markers with an activation assembly communicating with said enhancement registry* (Hudson; see at least [0033]).

#### **Claim 3**

The rejections of base claim 1 and intervening claim 2 are incorporated. The combination Hudson-Voyticky further discloses *wherein at least one of said plurality of said communicative links which is associated a stage of said media selection referenced by said associated time data, is activated by said activation assembly in response to the correlation of said associated time data with a time marker corresponding to the time receipt of said user input to deliver additional material related to said stage of said media selection to a user* (Hudson; see at least [0033]).

#### **Claim 4**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *wherein said enhancement registry is generated and stored for a video media selection and further includes frame location data associated with a specific location on at least one frame of said media selection* (Hudson; see at least [0033], [0047-0048]).

**Claim 5**

The rejections of base claim 1 and intervening claim 4 are incorporated. The combination Hudson-Voyticky further discloses *identifying a location marker of said media selection that corresponds said user input, and correlating said location marker with said frame location data of said enhancement registry so as to correspondingly activate said communicative link* (Hudson; see at least [0033]; [0046-0048]).

**Claim 6**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from a local storage medium* (Hudson; see at least [0002], lines 1-7).

**Claim 7**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from said media storage medium* (Hudson; see at least [0002], lines 1-7).

**Claim 8**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *wherein activation of said communicative link further comprises retrieving said additional materials from a remote storage medium* (Hudson; see at least FIG. 1, item 100).

**Claim 9**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *storing said enhancement registry for said media selection on a local storage medium* (Hudson; see at least [0002], lines 1-7).

**Claim 10**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *storing said enhancement registry for said media selection on said media storage medium containing said media selection* (Hudson; see at least [0002], lines 1-7).

**Claim 11**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *storing said enhancement registry for said media selection on a remote storage medium* (Hudson; see at least [0010]; FIG. 1, item 100).

**Claim 12**

The rejection of base claim 1 is incorporated. The combination Hudson-Voyticky further discloses *establishing a communicative link between said media player and a remote server* (Hudson; see at least [0009-0011]).

**Claim 13**

Hudson discloses *a media enhancement system* (see at least 0006], [0021]):

*a media player structured to deliver a media selection to a user* (see at least [0002]; claimed *media* equated with DVD discs);

*an enhancement registry associated with said media selection, said enhancement registry including at least one time data associated with said media selection and at least one communicative link to additional materials, wherein each of said at least one communicative links is associated with a different one of said time data* (see at least FIGs. 3-4);

*a user interface operatively associated with said media player and structured to receive a user input at least during delivery of said media selection by said media player* (see at least (see at least FIGs. 3-4).

Hudson does not specifically disclose:

*said media player structured to receive an indication from said user interface of the time of receipt of a user input to identify a [corresponding] time marker associated with said media selection that corresponds to the time of receipt of said user input; and an activation assembly structured to access said enhancement registry, correlate the identified time marker with at least one of said time data of said enhancement registry to identify one of said at least one communicative links associated with the at least one of said time data and to correspondingly activate said identified communicative link for delivery of said additional materials to the user in accordance with the receipt of a user input.*

Hudson does not specifically disclose a time data associated with a corresponding time point during the play of said media selection.

However, in an analogous art, Voyticky teaches a system for marking an event (see at least 3:5562), which can be a press of a button on a remote controller by a user who indicates interest in things that are being displayed on the television (see at least 2:56-60). The system stores the event information that includes the time that the event button was pressed, as well as the signal source and channel being watched at that time (see at least 5:27-33). The information is then sent to a server which determines an assortment of products that were displayed in the user's television when the user pressed the event button (see at least 6:9-37). The claimed functions of correlating the identified time marker with at least one of the time data, of identifying one of the at least one communicative links..., and of correspondingly activating the identified communicative link ... are considered met by Voyticky's process of mapping described in 12:19-63).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Voyticky in Hudson because this would improve the interactive experience of a television viewer.

#### **Claim 14**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said enhancement registry is separate from said media selection* (Hudson; see at least [0011], [0030]).



#### **Claim 15**

The rejection of base claim 13 is incorporated. Since Claim 15 recites the same feature of Claim 8, the same rejection is thus applied.

**Comment [A1]:** claim 15 actually  
resembles claim 12

#### **Claim 16**

The rejections of base claim 13 are incorporated. The combination Hudson-Voyticky further discloses *a remote network and wherein said additional materials accessible utilizing said identified communicative link are accessible from said remote network* (Hudson; see at least [0007], [0011], [0030]).

#### **Claim 17**

The rejections of base claim 13 are incorporated. The combination Hudson-Voyticky further discloses *wherein said enhancement registry is stored remotely from said media player* (Hudson; see at least [0030]; [0010]; FIG. 1, item 100).

#### **Claim 18**

The rejections of base claim 13 and intervening claims 15 and 17 are incorporated. The combination Hudson-Voyticky further discloses *wherein said enhancement registry is communicated to said media player, said media player including said activation assembly* (Hudson; see at least [0006-0007], [0021], FIGs. 3-4).

#### **Claim 19**

The rejections of base claim 13 and intervening claims 15 and 17 are incorporated. The combination Hudson-Voyticky does not specifically disclose *wherein said media player communicates said time marker that corresponds to receipt of said user input to a remote server, said remote server including said activation assembly*. However, this feature is deemed inherent to Hudson as [0042] shows that after exploring a hub page and any of various sub-pages, a user may elect to return to the primary video content at the point of interruption. If the media player does not

communicate a time marker that correspond to receipt of the user input to a remote server, how the interactive video content program knows where to return to the point of interruption.

**Claim 20**

The rejections of base claim 13 and intervening claims 15 are incorporated. The combination Hudson-Voyticky further discloses *wherein said communicative link is maintained by said media player* (Hudson; see at least [0002], lines7-9).

**Claim 21**

The rejections of base claim 13 and intervening claims 17, 19 are incorporated. The combination Hudson-Voyticky further discloses *wherein said identified communicative link is maintained on a media storage medium* (Hudson; see at least [0002], lines7-9; [0006]).

**Claim 22**

The rejections of base claim 13 and intervening claims 17, 19 are incorporated. The combination Hudson-Voyticky further discloses *wherein said identified communicative link is maintained by said remote server* (Hudson; see at least [0022]).

**Claim 23**

The rejections of base claim 13 and intervening claims 17, 19 are incorporated. Since Claim 23 recites features that are similar to those of Claim 8, the same rejection is thus applied.

Comment [A2]: claim 23 same as claim 16

**Claim 24**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said additional materials accessible utilizing said identified communicative link are structured to be selectively delivered as determined by the user* (Hudson; see at least [0011], [0022]).

**Claim 25**

The rejection of base claim 13 is incorporated. Since Claim 25 recites the same feature of Claim 3, the same rejection is thus applied.

**Claim 26**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said enhancement registry corresponding to said media selection is structured to be communicated to said media player and at least temporarily stored by said media player* (Hudson; see at least [0010]).

**Claim 29**

The rejection of base claim 13 is incorporated. Since claim 29 recites the same limitation of claim 4, the same rejection is thus applied.

**Claim 30**

The rejections of base claim 13 and intervening claim 29 are incorporated. The combination Hudson-Voyticky further discloses *wherein said user interface includes a location indicator structured to identify a location on at least a frame of said media selection, said user interface further structured to generate a location marker corresponding to a position of said location indicator associated with a user input* (Hudson; see at least [0033]).

**Claim 31**

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. The combination Hudson-Voyticky further discloses *wherein said activation assembly is structured to identify said identified communicative link in response to said location marker* (Hudson; see at least [0026], [0030-0035]).

**Claim 32**

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. The combination Hudson-Voyticky further discloses *wherein said activation assembly is structured to identify said identified communicative link in response to said location marker and said time marker, as defined by said time data and said frame location data of said enhancement registry* (Hudson; see at least [0026], [0030-0035]).

**Claim 33**

The rejections of base claim 13 and intervening claims 29 and 30 are incorporated. Since claim 33 recites the same feature of claim 27, the same rejection is applied.

**Claim 34**

The rejections of base claim 13 and intervening claims 29, 30 and 33 are incorporated. The combination Hudson-Voyticky further discloses *wherein said enhancement registry includes a different one of said communicative links in association with each of a plurality of said location markers for a particular one of said time markers* (Hudson; see at least [0026], [0030-0035]).

**Claim 35**

The rejection of base claim 13 is incorporated. Since claim 33 recites the same feature of claim 27, the same rejection is applied.

**Claim 36**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said activation assembly is structured to store a plurality of said communicative links for selective delivery of said additional materials to said user* (Hudson; see at least [0026], [0030-0035]).

**Claim 37**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said additional materials are delivered to said user via said media player* (Hudson; see at least [0036], [0041]).

**Claim 38**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said activation assembly is independent from said media player* (Hudson; see at least [0036]; e.g., the Windows Media Player™ is independent from the DVS disc).

**Claim 39**

The rejections of base claim 13 and intervening claim 38 are incorporated. Since claim 39 recites the same feature of claim 12, the same rejection is thus applied.

**Claim 40**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said additional materials include information material* (Hudson; see at least [0022], [0041], [0051], [0059]).

**Claim 41**

The rejection of base claim 13 is incorporated. The combination Hudson-Voyticky further discloses *wherein said additional materials include e-commerce materials* (Hudson; see at least Fig. 5; [0041], [0051], [0059]).

**Claim 42**

The rejections of base claim 13 and intervening claim 41 are incorporated. The combination Hudson-Voyticky further discloses *wherein said e-commerce materials are structured to facilitate a remote purchase* (Hudson; see at least Fig. 5).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/  
Primary Examiner, Art Unit 2623  
July 17, 2008

